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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,343	03/30/2006	Daniel J. Powers	US030396US	7796

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

Briarcliff Manor, NY 10510-8001

EXAMINER

PATTON, AMANDA K

ART UNIT

PAPER NUMBER

3762

MAIL DATE

DELIVERY MODE

01/20/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,343

Applicant(s)

POWERS, DANIEL J.

Examiner

Amanda Patton

Art Unit

3762

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-14, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's amendment dated September 22, 2009, is acknowledged. Currently claims 1-6, 8-14, and 16-17 are pending in this application.

Response to Arguments

Applicant's arguments filed September 22, 2009, have been fully considered but they are not persuasive inasmuch as they apply to the amended rejections necessitated by the amendments to the claims. Regarding Applicant's assertion that Dennis does not disclose two interior regions, Examiner disagrees and points to the amended rejection below that clearly points out two interior regions.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-6, 8-14 and 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 4-5 recites the phrase "capacitor interface electronics of the external defibrillator". It is unclear if the external defibrillator is being functionally or positively recited, as it is functionally recited in the preamble in line 2. It is suggested to first positively recite the

external defibrillator, and then mention that the external defibrillator comprises capacitor interface electronics.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-5, 8-10, 13-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dennis (GB 1 368 057). Dennis discloses an apparatus for packaging an energy storage capacitor and corresponding method comprising (e.g. Figures 1 and 2): a housing comprising an interior housing surface having a first region and a second region (e.g. Figure 1, wherein the first region is the interior region formed by the case 1 and cover 4 and the second region is the portion formed by extension 5 of cover 4 and notch 3 of case 1); the first region comprising the wound core (e.g. case 1 comprising capacitor 6); and the second region comprising the capacitor interface electronics (e.g. lead wire 7 located in the second region); a potting material (e.g. potting material poured through opening 2; Page 2, Col. 1, lines 40-45) and a conductive path adapted to electrically connect the wound core and the capacitor interface electronics (e.g. portion of lead wire 7 located inside the first region) and having a cavity defined by a side surface, a closed first end, and an at least partially open second end (e.g. sides and bottom of case 1 and opening 2); and an exterior surface arrangeable to at least in part surround the interior housing surface (e.g. outside of housing 4 that fully surrounds the interior housing surfaces).

Dennis does not expressly teach an external defibrillator. However, the capacitor of Dennis is fully adapted for use with an external defibrillator, since it is sized and shaped for such a purpose, and that is what is required by the claim.

Additionally, the claims as currently filed do not require that the two interior regions be separated or that the potting material NOT be placed in the second interior region.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Rapoport (USPN 6,535,096). Dennis discloses the claimed invention except the express mention that the potting material comprises one of oil and epoxy. Rapoport discloses that it was well known in the art to use an epoxy as a potting material (e.g. Col. 13, lines 13-49). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the epoxy of Rapoport in the device of Dennis, since such a modification would provide the system with the predictable results of a system for reliably holding the wound core in place.

Claims 6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Shaikh (USPN 4,546,300). Dennis discloses the claimed invention except the express mention of a capacitor interface electronics that comprise a circuit board. Shaikh discloses that it

was well known in the art to include capacitor interface electronics that include a circuit board in the housing of a capacitor (e.g. Figure 3, Col. 6, lines 30-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the circuit board of Shaikh in the device Dennis since such a modification would provide the system with the predictable results of a self contained device for easy transport.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dennis in view of Olson et al. (USPN 5,645,571). Dennis discloses the claimed invention except the express mention of a external defibrillator. Olson discloses that it was well known to use capacitors in external defibrillators (e.g. Col. 4, lines 1-20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the capacitor of Dennis in the device of Olson, since such a modification would provide the system with a capacitor eliminating unnecessary packaging for providing the predictable results of a lighter and easier to carry external defibrillator.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda Patton whose telephone number is (571) 270-1912. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/AKP/
Examiner, Art Unit 3762

/George R Evanisko/
Primary Examiner, Art Unit 3762